

United States District Court

for the
Western District of New York



United States of America

v.

LAMBORGHINI LUCAS

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Beginning sometime in or before August 6, 2021, the exact date being unknown, and continuing until on or around August 6, 2021, in the Western District of New York, the defendant, **LAMBORGHINI LUCAS**, not being a licensed manufacturer of firearms within the meaning of Chapter 44, Title 18, United States Code, did willfully engage in the business of manufacturing firearms, in violation of Title 18, United States Code, Sections 922(a)(1)(A).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

**TIMOTHY
FUDELLA**

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TIMOTHY FUDELLA
Date: 2021.08.09
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Complainant's signature

TIMOTHY L. FUDELLA
SPECIAL AGENT
BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES

Printed name and title

Sworn to and subscribed telephonically.

Date: August 9, 2021.

City and State: Buffalo, New York

Judge's signature

HONORABLE MICHAEL J. ROEMER
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, **TIMOTHY L. FUDELLA**, Special Agent of Bureau of Alcohol, Tobacco, Firearms and Explosives, having been duly sworn, states as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), and as such I am an “investigative or law enforcement officer” of the United States within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516(1), *et seq.* and Title 21, United States Code, Section 801. I further state that I am the kind of Special Agent as delineated in Title 18, United States Code, Section 3051.

2. I have been an ATF Special Agent since September of 2015. I am assigned to the Buffalo Field Office, New York Field Division. I am a graduate of the ATF National Academy and the Criminal Investigator School located at the Federal Law Enforcement Training Center in Glynco, Georgia. My primary duties as an ATF Special Agent include investigating violations of federal firearms laws including illegal firearm trafficking, unlawful possession of firearms, and the possession of firearms during the commission of drug

trafficking crimes and crimes of violence. Additionally, prior to becoming an ATF Agent, I was employed by United States Customs and Border Protection as a United States Customs and Border Protection Officer for approximately six years.

3. During my time as an ATF Special Agent, I have participated in investigations and the execution of search warrants and arrest warrants where illegally purchased/trafficked firearms, narcotics, electronic scales, packaging materials, cutting agents, books/ledgers indicating sales, receipts, computers, cellular telephones, and other items used to facilitate firearms and narcotics trafficking were seized. I have personally conducted and/or assisted in investigations of criminal acts involving violations relating to armed individuals that were involved in the distribution of controlled substances, including heroin, fentanyl, cocaine, cocaine base and other substances, in violation of federal drug laws, including Title 21, United States Code, Sections 841 and 846, and Title 18 United States Code, Sections 922 and 924. Additionally, I have also participated in interviews and debriefings of individuals involved in firearms and narcotics trafficking. I am familiar with the habits, methods, routines, practices and procedures commonly employed by persons engaged in the illegal trafficking of firearms and illegal drugs.

4. This affidavit is made in support of a Criminal Complaint for **LAMBORGHINI LUCAS**, as there is probable cause that **LUCAS** has violated Title 18, United States Code, Section 922(a)(1)(A) (unlawfully manufacturing firearms without a license).

5. This affidavit is intended to show that there is probable cause for the requested Criminal Complaint. It is not intended to be a complete statement of all known information of evidentiary value, and it does not purport to set forth all of my knowledge of, or investigation into, this matter. This affidavit is based on knowledge that I have gained from my participation in this investigation, as well as information from the following sources, among others: (1) oral and written reports and other supportive documentation about this investigation and others; (2) conversations with federal, state, and/or local law enforcement agents and agencies. I have set forth only the facts I believe are necessary to establish the required foundation for the requested Criminal Complaint.

BACKGROUND: PRIVATELY MADE FIREARMS OR “GHOST GUNS”

6. Your affiant is familiar with the Polymer 80 type of Privately Made Firearms (PMFs), most often referred to as “ghost guns” because they do not have serial numbers and cannot be traced by ATF. ATF officially describes these firearms as PMFs. These firearm receivers or “Pistol Frame Kits” are purchased legally, usually in on-line transactions, in a block form and are only 80% finished, thus not making them an actual firearm as defined by federal law. These receiver blocks are then completed with household tools (Drill, Rotary Tool, etc.) being drilled out and cut so that the internal parts of a firearm (springs, trigger assembly, etc.) can be inserted. The individual making these PMFs then purchases the other firearm components (slide, barrel, trigger, etc.) to complete the firearm. Typically, these transactions are all done online with the manufacturer of PMFs receiving the parts needed for completion through common carriers or the United States Post Office.

7. With the ease of access to PMF components available, law enforcement within the Western District of New York has seen a significant increase of PMFs recovered in crimes. Within just one week in July 2021, law enforcement in the City of Buffalo recovered five PMFs, each of which were made using a Polymer 80 “PF90C” receiver/receiver blank.

PROBABLE CAUSE

8. On August 6, 2021, law enforcement executed a New York State search warrant at the home of LUCAS located at 495 Woodlawn Avenue, Upper Apt., Buffalo, New York. Law enforcement made entry securing the residence. No one was located inside the apartment. After the location was secure, law enforcement performed a search of the location.

9. Law enforcement located a Polymer 80 PF940SC 9mm PFM loaded with 9 rounds of 9mm ammunition under the mattress of the front bedroom. Directly next to this firearm was mail addressed to LUCAS. Within a laundry basket full of clothing, three Polymer 80 PF940SC 9mm PFMs were recovered. A United States Postal Box sent from “JSD Supply” was located in the living area of the apartment. A Web search shows a JSD Supply website featuring “JSD 80% Lower Receivers, Jigs, and Gun Parts Kits ... 80% lower build kits are used to create fully functional firearms with no registration or serial numbers”. Within this box was a receipt addressed to Mike Tate 495 Woodlawn, “User” mrlambolights@gamil.com, this receipt shows three “PF940SC Full build kit-Minus Frame”, Two “Polymer 80 PF940SC Black”, One “Polymer 80 PF940SC Gray” for a total of \$1,259.94.

10. Throughout the living area and kitchen, law enforcement located three Polymer 80 boxes, three polymer 80 jigs, rotary bits, and a power drill. Based on my training, experience, and conversations with other law enforcement officers, your affiant believes the aforementioned items are “tools of the trade” for manufacturing Polymer 80 style PMFs.

11. On August 9, 2021, I requested that ATF officials review the Federal Firearms Licensee (“FFL”) and Firearms Manufacturers databases. ATF Inspectors advised me that **LUCAS**, the subject of this investigation, has not held an FFL or a license to manufacture or deal in firearms.

12. Based on the above information, your affiant submits there is probable cause to believe that beginning on a date unknown and continuing until August 6, 2021, in the City of Buffalo, County of Erie, Western District of New York, **LAMBORGHINI LUCAS**, not being a licensed importer, licensed manufacturer, or licensed dealer, did unlawfully manufacture firearms in violation of Title 18, United States Code, Section 922(a)(1)(A).

REQUEST TO SEAL

13. **IT IS FURTHER REQUESTED** that the criminal complaint, affidavit, and arrest warrant, as they reveal an ongoing investigation, be sealed until the defendant’s arrest, in order to avoid premature disclosure of the investigation, guard against the defendant potentially fleeing, and to better ensure the safety of agents and others, except that working

copies should be made available to the United States Attorney's Office, ATF, and any other law enforcement agency designated by the United States Attorney's Office.

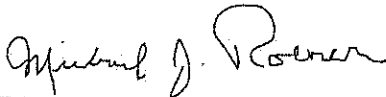
**TIMOTHY
FUDELLA**

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TIMOTHY FUDELLA
Date: 2021.08.09
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TIMOTHY L. FUDELLA
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Subscribed and sworn to telephonically

this 9th day of August, 2021



HONORABLE MICHAEL J. ROEMER
United States Magistrate Judge